FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order no.789 of 2004

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order	Court or Judge's Order

Mr A B Tanjane for appellants
Mr A Y Sakhare with Ms Varsha Palekar
for respondent no.4

CORAM; A.M.KHANWILKAR J.

DATED 24.l.2006

P.C.

. I see no reason to depart from the conclusion reached by the court below in rejecting the application preferred by the appellant being Exh 28 in Civil Suit No. 4 of 2004. The order was passed on 27.7.2004. The trial court has, in my opinion, rightly observed that the plaintiffs were using the trade mark since last 6 years. The plaintiffs have right over the trade mark. Besides, in the event the appellants succeed in the counter

claim, the appellants would be entitled for appropriate damages. As mentioned earlier no interference is warranted in this appeal.Same is dismissed. At the same time the trial court is directed to expedite the hearing of the suit with regard to the controversy involved and finally disposed of preferably by the end of December 2006.